

REMARKS/ARGUMENTS

Claims 1-28 remain pending. Claims 1, 7, 14, and 20 have been amended. Claim 29 has been added. No new matter has been added.

Response to Arguments

The Response to Arguments section of the present Office Action states that the body of the previous rejection did not solely equate the business data to be an applet, rather the contents of the annotation stream, which includes both applets (whose contents include ticker tape data as well as event locators.) Applicants respectfully disagree. Applicants point out that the present Office Action and the previous Office Action specifically state annotations streams include the java ticker applets which the Examiner equates to business data (emphasis added). Applicants again point out that applets are understood to be small applications run in the context of another application. More specifically, Applicants specifically assert that the described applets are not understood to be business data as claimed because business data may include dynamic data which Applicants do not understand to be part of or contained in an application or applet.

The Response to Arguments section of the present Office Action further states that the Examiner disagrees with Applicants assertion that data in human readable formats of HTML, XML, or SGML is substantially different from a

machine readable binary format. Applicants respectfully assert data in HTML, XML or SGML format is substantially different from compiled business data as claimed. Applicants respectfully assert that HTML, XML and SGML are not understood to be compiled formats. The Response to Arguments section further states that in prior art teachings the HTML, XML or SGML pages are only viewable by a user when rendered by a machine. Applicants respectfully disagree and point out that Applicants understand HTML, XML and SGML to be tag based formats which are created in a human readable format (e.g., text characters). Thus, Applicants respectfully assert that data in an HTML, XML and SGML format is substantially different from compiled business data as claimed.

As per Claims 3 and 16, Applicants respectfully assert that embodiments as recited by Claims 3 and 16 are not rendered obvious by the combination of Kaiser, Schwartz, and Chaddha. Applicants point out that Claim 3 depends from currently amended Claim 1 and Claim 16 depends from currently amended Claim 14. Claims 1 and 14 recite the limitations of the business data being compiled for use by a set-top box as claimed. Applicants respectfully assert that the combination of Kaiser, Schwartz, and Chaddha does not teach or suggest the limitations of business data compiled for use by a set-top box. Therefore, Applicants respectfully assert that Claims 3 and 16 overcome the rejection.

As per Claim 28, the Examiner takes official notice that transmitting updated in band data is notoriously well known in the art. Applicants respectfully disagree. Applicants point out that the present rejection states that the combination of Kaiser, Schwartz and Chaddha fails to teach transmitting the updated business data by recompiling the business data into the television broadcast, eliminating the need to generate the script. Applicants respectfully assert that the limitations of transmitting the updated business data by recompiling the business data into the television broadcast, eliminating the need to generate the script are substantially different from merely updating in band data and is not notoriously well known in the art nor taught or suggested by the references. Accordingly, Applicants respectfully assert that the combination of Kaiser, Schwartz, and Chaddha does not render embodiments obvious as recited by Claim 28 within the meaning of 35 U.S.C. 103(a).

Claim Rejections 35 USC § 103

Claims 1-28 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over US Pat. No. 6,615,408 to Kaiser (hereinafter Kaiser) in view of US Pat. No. 6,473,609 to Schwartz (hereinafter Schwartz) and US Pat. No. 6,173,317 (hereinafter Chaddha). Applicants respectfully traverse the rejection in view of the following.

Applicants direct the Examiner to Claim 1 which recites (emphasis added):

A method for transmitting interactive television information over a television broadcast, comprising:
 compiling business data into a binary form, the business data comprising descriptions of products, wherein said business data is compiled for use by a set-top box;
 generating a script using a script authoring tool, wherein said compiled business data is processed according to said generated script independent from a further user interaction; and
 transmitting a stream, comprising the compiled business data and the script, to a receiver for generating video information for a user's television, wherein the receiver uses the script to access the compiled business data and generate a presentation of the products for the user.

Claims 7, 14, and 20 recite distinguishing limitations similar to those recited in Claim 1.

In contrast, the present Office Action admits that Kaiser is silent with regards to compiling business data. The rejection relies on Schwartz teaching compiling business data. To the extent that Schwartz may mention that HTML or XML maybe stripped, compressed, compiled or converted for use by an interface engine in a wireless device (Col 10, lines 3-18), Applicants respectfully assert that Schwartz does not teach or suggest compiling business data for use by a set-top box as claimed. More specifically, Applicants respectfully assert that compiling of data for a wireless device is substantially different from compiling business data for a set-top box as claimed. Thus, Applicants respectfully assert that the combination of Kaiser, Schwartz, and Chaddha does not teach or suggest compiling business data for use by a set-top box as claimed.

Further, the present Office Action admits that Kaiser and Schwartz fail to teach transmitting a stream with both business data and the script. The rejection relies on Chaddha as teaching transmitting a stream with both business data and the script. Applicants respectfully disagree. Applicants point out that the present Office Action and the previous Office Action specifically state annotations streams include the java ticker applets which the Examiner equates to business data (emphasis added). Applicants again point out that applets are understood to be small applications run in the context of another application. More specifically, Applicants specifically assert that applets are not understood to be business data or include business data as claimed because business data may include dynamic data which Applicants do not understand to be part of or contained in an application or applet. Applicants respectfully assert that Chaddha cannot teach transmitting a stream of comprising complied business data and the script as claimed (emphasis added). Therefore, Applicants respectfully assert that the combination of Kaiser, Schwartz, and Chaddha does not render obvious embodiments as recited by Claim 1 within the meaning of 35 U.S.C. 103(a).

Accordingly, Applicants respectfully assert that Claims 7, 14, and 20 include limitations similar to Claim 1 and thus are not rendered obvious by the combination of Kaiser, Schwartz, and Chaddha within the meaning of 35 U.S.C. § 103. Dependent Claims are allowable by virtue of their dependency.

As per Claims 3 and 16, the rejection relies on Schwartz as allegedly teaching the use of compiled XML and HTML. As mentioned above, Applicants point out that Claim 3 depends from currently amended Claim 1 and Claim 16 depends from currently amended Claim 14. Claims 1 and 14 recite the limitations of the business data being compiled for use by a set-top box as claimed. Applicants respectfully assert that Schwartz does not teach or suggest the claimed limitations of the compiling of the business data is configured to improve access speed to the business data on a set-top box as claimed. That is, Applicants respectfully assert that the combination of Kaiser, Schwartz, and Chaddha do not teach or suggest the feature of business data compiled for use by a set-top box. Therefore, Applicants respectfully assert that embodiments as recited by Claims 3 and 16 are not rendered obvious by the combination Kaiser, Schwartz, and Chaddha within the meaning of 35 U.S.C. 103(a).

As per Claims 4 and 17, the rejection relies on Kaiser inherently reducing the size of the business data as XML. Applicants wish to remind the Examiner that “to establish inherency, the extrinsic evidence ‘must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not

sufficient.’ ” In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999). Further, “in relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.” Ex parte Levy, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). As such Applicants respectfully invite the Examiner to introduce extrinsic evidence to establish the alleged inherency or to kindly withdraw the rejections. Further, Applicants respectfully point out that Kaiser does not teach or suggest the limitations of compiled business data for use by a set-top box as claimed (emphasis added). As such allowance of Claims 4 and 17 is earnestly solicited because the cited art does not render Claims 4 and 17 obvious within the meaning of 35 U.S.C. § 103.

As per Claims 6, 10, and 22, the Examiner relies upon U.S. Patent 6,177,931 (hereinafter Alexander) for support that use of a modem to transmit data to a receiver is notoriously well known in the art. Applicants respectfully disagree. Applicants point out that a set-top box operable to operate with a modem as claimed is substantially different from a computer or WebTV as mentioned in Kaiser (Col 7, lines 37-50). Therefore, Applicants respectfully assert that embodiments as recited by Claims 6, 10, and 22 are not rendered obvious by the combination Kaiser, Schwartz, and Chaddha within the meaning of 35 U.S.C. 103(a).

As per Claim 28, the examiner takes official notice that transmitting updated in band data is notoriously well known in the art. Applicants respectfully disagree. Applicants point out that the present rejection states that the combination of Kaiser, Schwartz and Chaddha fails to teach transmitting the updated business data by recompiling the business data into the television broadcast, eliminating the need to generate the script. Applicants respectfully assert that the limitations of transmitting the updated business data by recompiling the business data into the television broadcast, eliminating the need to generate the script are substantially different from merely updating in band data and is not notoriously well known in the art. Accordingly, Applicants respectfully assert that the combination of Kaiser, Schwartz, and Chaddha does not render embodiments obvious within the meaning of 35 U.S.C. 103(a).

CONCLUSION

In light of the above listed remarks, reconsideration of the rejected Claims is requested. Based on the arguments presented above, it is respectfully submitted that Claims 1-28 overcome the rejections of record and, therefore, allowance of Claims 1-29 is earnestly solicited.

Please charge any additional fees or apply any credits to our PTO deposit account number: 50-4160.

Respectfully submitted,
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Dated: August 4, 2008

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